

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77664552
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (038)(class deleted)	
INTERNATIONAL CLASS	038
DESCRIPTION	Internet broadcasting services; web casting services
FIRST USE ANYWHERE DATE	At least as early as 01/01/2009
FIRST USE IN COMMERCE DATE	At least as early as 01/07/2009
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (042)(current)	
INTERNATIONAL CLASS	042
DESCRIPTION	
Computer services, namely, interactive hosting services which allow the user to publish and share their own content and images on-line; design and development of computer hardware and software; hosting of digital content on the Internet; hosting the web sites of others; providing an online web site for creating and hosting micro web sites for businesses; software as a service (SAAS) services, namely, hosting software for use by others for use in mark up, publishing, authoring, editing and syndication of text, images, video, audio, links, markup language, streaming content, or any combination of these elements, in the field of multimedia advertising; web site development for others	
FIRST USE ANYWHERE DATE	At least as early as 01/01/2009
FIRST USE IN COMMERCE DATE	At least as early as 01/07/2009
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (042)(proposed)	
INTERNATIONAL CLASS	042
TRACKED TEXT DESCRIPTION	
Computer services, namely, interactive hosting services which allow the user to publish and share their own content and images on-line; <u>Computer services to read, namely interactive hosting services which</u>	

allow the user to locate information about a topic in the context of a micro-website presented in a larger context of a main web page without having to leave that main webpage; ~~design and development of computer hardware and software; hosting of digital content on the Internet; hosting the web sites of others; providing an online web site for creating and hosting micro web sites for businesses; software as a service (SAAS) services, namely, hosting software for use by others for use in mark up, publishing, authoring, editing and syndication of text, images, video, audio, links, markup language, streaming content, or any combination of these elements, in the field of multimedia advertising; web site development for others~~

FINAL DESCRIPTION

Computer services to read, namely interactive hosting services which allow the user to locate information about a topic in the context of a micro-website presented in a larger context of a main web page without having to leave that main webpage

FIRST USE ANYWHERE DATE

At least as early as 01/01/2009

FIRST USE IN COMMERCE DATE

At least as early as 01/07/2009

FILING BASIS

Section 1(b)

ADDITIONAL STATEMENTS SECTION

MISCELLANEOUS STATEMENT

The specimen previously submitted fairly explains that the FAMOS technology allows one to quickly find more information about a topic in the body of a main web page. The micro-site shown in the white box to the left side of the page in the specimen is, in fact, the micro-site allowing the user to further specify and locate information about a topic of interest. The white box is displayed while the users still remains in the context of the larger website, i.e., the "Tom Sullivan Radio Show" website. In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Please note that a notice of appeal is being filed concurrently herewith.

SIGNATURE SECTION

RESPONSE SIGNATURE

/David J Thibodeau Jr USPTO Reg No 31671/

SIGNATORY'S NAME

David J. Thibodeau, Jr.

SIGNATORY'S POSITION

Attorney of Record, Massachusetts Bar Member

DATE SIGNED

11/07/2011

AUTHORIZED SIGNATORY

YES

CONCURRENT APPEAL NOTICE FILED

YES

FILING INFORMATION SECTION

SUBMIT DATE

Mon Nov 07 14:22:34 EST 2011

USPTO/RFR-63.119.219.146-
20111107142234470993-7766

TEAS STAMP

4552-4807e66e212a7c5dbdbd
96dc964c0e126b-N/A-N/A-20
111107104903370081

PTO Form (Rev 4/2000)
OMB No. 0651-.... (Exp. 08/31/2004)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **77664552** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant hereby deletes the following class of goods/services from the application.

Class 038 for Internet broadcasting services; web casting services

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 042 for Computer services, namely, interactive hosting services which allow the user to publish and share their own content and images on-line; design and development of computer hardware and software; hosting of digital content on the Internet; hosting the web sites of others; providing an online web site for creating and hosting micro web sites for businesses; software as a service (SAAS) services, namely, hosting software for use by others for use in mark up, publishing, authoring, editing and syndication of text, images, video, audio, links, markup language, streaming content, or any combination of these elements, in the field of multimedia advertising; web site development for others

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

In International Class 042, the mark was first used at least as early as 01/01/2009 and first used in commerce at least as early as 01/07/2009.

Proposed:

Tracked Text Description: ~~Computer services, namely, interactive hosting services which allow the user to publish and share their own content and images on-line;~~ Computer services to read, namely interactive hosting services which allow the user to locate information about a topic in the context of a micro-website presented in a larger context of a main web page without having to leave that main webpage; ~~design and development of computer hardware and software; hosting of digital content on the Internet; hosting the web sites of others; providing an online web site for creating and hosting micro web sites for businesses; software as a service (SAAS) services, namely, hosting software for use by others for use in mark up, publishing, authoring, editing and syndication of text, images, video, audio, links, markup language, streaming content, or any combination of these elements, in the field of multimedia advertising; web site development for others~~

Class 042 for Computer services to read, namely interactive hosting services which allow the user to

locate information about a topic in the context of a micro-website presented in a larger context of a main web page without having to leave that main webpage

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

In International Class 042, the mark was first used at least as early as 01/01/2009. and first used in commerce at least as early as 01/07/2009.

ADDITIONAL STATEMENTS

The specimen previously submitted fairly explains that the FAMOS technology allows one to quickly find more information about a topic in the body of a main web page. The micro-site shown in the white box to the left side of the page in the specimen is, in fact, the micro-site allowing the user to further specify and locate information about a topic of interest. The white box is displayed while the users still remains in the context of the larger website, i.e., the "Tom Sullivan Radio Show" website. In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Please note that a notice of appeal is being filed concurrently herewith.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /David J Thibodeau Jr USPTO Reg No 31671/ Date: 11/07/2011

Signatory's Name: David J. Thibodeau, Jr.

Signatory's Position: Attorney of Record, Massachusetts Bar Member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77664552

Internet Transmission Date: Mon Nov 07 14:22:34 EST 2011

TEAS Stamp: USPTO/RFR-63.119.219.146-201111071422344

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